

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 21608 of 2006(V)

OS.152/2002 of SUB COURT,KATTAPPANA
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PETITIONERS:

1. JOSEPH THOMAS, S/O.THOMAS,
AGED 75 YEARS, KADAPLACKAL HOUSE, PRAKASH,
THANKAMOY VILLAGE, UDUMBANCHOLA TALUK,
IDUKKI DISTRICT.
2. JOSE THOMAS, S/O.JOSEPH THOMAS,
AGED 46 YEARS, KADAPLACKAL HOUSE, PRAKASH,
THANKAMOY VILLAGE, UDUMBANCHOLA TALUK,
IDUKKI DISTRICT.

BY ADV. SRI.O.P.NANDAKUMAR
SRI.V.A.AJAI KUMAR

RESPONDENT:

THE FEDERAL BANK LIMITED,
ERATTAYAR BRANCH, IDUKKI DISTRICT,
REPRESENTED BY ITS BRANCH MANAGER.

BY ADV. SRI.GEORGE VARGHESE (MANACHIRACKEL)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC : 21608 OF 2006

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 : TRUE COPY OF EP NO.70/04 IN OS NO.152/02 ON THE FILE OF THE SUB COURT, KATTAPPANA.

EXT.P2 : TRUE COPY OF THE OBJECTION DT.14.11.05 FILED BY THE 1ST PETITIONER IN EP NO.70/04 IN OS NO.152/02 ON THE FILE OF THE MUNSIFF'S COURT, KATTAPPANA.

EXT.P3 : TRUE COPY OF EA NO.211/05 SUPPORTED BY AFFIDAVIT FILED BY THE 1ST PETITIONER IN EP NO.70/04 IN OS NO.152/02 ON THE FILE OF THE SUB COURT, KATTAPPANA.

EXT.P4 : TRUE COPY OF THE OBJECTION DT.07.12.05 FILED BY THE RESPONDENT EA NO.211/05 IN EP NO.70/04 IN OS NO.152/02 ON THE FILE OF THE SUB COURT, KATTAPPANA.

EXT.P5 : TRUE COPY OF THE ORDER DT.01.06.06 PASSED BY THE SUB COURT, KATTAPPANA IN EA NO.211/05 IN EP NO.70/04 IN OS NO.152/02.

EXT.P6 : TRUE COPY OF SALE PROCLAMATION DT.29.07.06 IN EP NO.70/04 IN OS NO.152/02 ON THE FILE OF THE SUB COURT, KATTAPPANA.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 21608 OF 2006

Dated this the 9th day of July, 2007

JUDGMENT

The learned counsel for the petitioner fairly concedes that the petitioner was unable to comply with the condition imposed by this Court for granting stay. Counsel further submits that the execution petition itself has been subsequently closed by the execution court by granting instalment facility due to some consensus between the decree holder and the judgment debtor. In view of the closure of the Execution Petition subsequently, this Writ Petition will stand disposed of as having become infructuous.

PIUS C. KURIAKOSE, JUDGE

btt

